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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,573	03/29/2005	Robert David Black	ROCKCO P69AUS	9147
20210 7590 11/18/2008 DAVIS BUJOLD & Daniels, P.L.L.C. 112 PLEASANT STREET CONCORD, NH 03301			EXAMINER HIJAZ, OMAR F	
			ART UNIT 3633	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/529,573	Applicant(s) BLACK ET AL.	
	Examiner OMAR HIJAZ	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Amendment filed on September 11, 2008 has been entered. Claims 1-8 have been cancelled, and claims 9-21 have been added. Therefore, claims 9-21 are now pending in this application.

Response to Amendment

1. The previous specification objections are withdrawn in light of Applicant's amendments.
2. Some of the previous drawing objections are withdrawn in light of Applicant's amendments.
3. The previous claim objections are withdrawn in light of Applicant's cancellation of all claims.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a) because they fail to show end 34 of telescopic prop 35 as described in the specification (disclosure of invention, paragraph 027). In addition, the drawings are objected to under 37 CFR 1.83(a) because they fail to show upper tube 35A as described in the specification (disclosure of invention, paragraph 027).

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if

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only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 9-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As per claim 9, at lines 25-28, from the recitations "the base frame of the first member being adapted for position at a first location" and "a second location, remote

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from the base frame of the first member but at substantially the same level as the base frame of the first member”, it is construed that the first location and the second location are on the same level, however, at lines 31-32, the recitation “the second location the being offset from and being located vertically below the first location” concludes that second and first locations are on different elevations. Therefore the claim limitations are contradictory and there is an inadequate written description of the first and second locations.

Claims 10-21 are rejected because they depend on claim 9.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9-21, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Testu (FR Patent No. 2,663,075) in view of Blier (U.S. Patent No. 4,371,057).

As per claim 9, Testu teaches an access unit for covering an opening in an upper floor (horizontal ladder support device and platform; page 2 lines 1-10 of translated document; as illustrated, the support device is in an opening above a set of stairs; figure 9), the access unit comprising: a support frame (support device) having a generally O-shaped configuration with an open central region (as illustrated, the support device has a generally O-shaped shape with an open region; figure 9), the support frame including

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U-shaped first and second members (as illustrated, the support device has first and second U-shaped members; figure 9A below), each of the first and second members comprises a base frame defining one end of the open central region (as illustrated, each of the first and second members has a base frame which define one end of the open central region; figure 9A below), and a pair of spaced apart side arms (as illustrated, the first member has a pair of spaced apart support bars 11 and 44, and the second member has a pair of spaced apart support bars 4 and 40; figure 9A below) extending parallel to one another from opposite ends of the base frame (as illustrated, the support bars 11,44 and 4, 40 are parallel and on opposite sides of the base frame; figure 9A); the pair of side arms of the first member being telescopically received within the pair of side arms of the second member, to facilitate adjustment of a length of the open central region (structural bars contain a structural bar with a smaller cross section and slide in one another; page 2, lines 8-9 of translated document); and the telescopic adjustment of the pair of spaced apart side arms of one of the first and second members each having a clamp for temporary securing of the side arms of the first member to the side arms of the second member (the threaded rod of tightening bolt 10 locks the sliding structural bars in a chosen position in the fixed structural bars; page 5, lines 12-14 of translated document) at a pre-determined relationship and maintaining the desired spacing of the base frame of the first member from the base frame of the second member (it is construed that the extent of the telescoping bars can be predetermined and the spacing can be maintained);

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the second member having at least one adjustable prop (legs 36; as illustrated by the directional arrows, legs 36 are adjustable; figure 10) which is attached adjacent the base frame of the second member (as illustrated, the leg 36 is attached to the support bars 4 and 40; figure 9A) for supporting the second member at a desired level (the height of each leg can be adjusted by a quick locking system; page 2, line 12);

the base frame of the first member being adapted for position at a first location (as illustrated, the first member base frame is positioned at a first location; figure 9A); and

the base frame of the second member being adapted for positioning at a second location, remote from the base frame of the first member but at substantially a same level as the base frame of the first member (as illustrated, the base frame of the second member is positioned at a second location, which is remote from the first location, yet on the same level of the first location; figure 9A) so as to position the support frame of the access unit in a substantially horizontal orientation (as illustrated, the support device is horizontal; figure 9A), and an opposite end of the at least one adjustable prop being adapted for location at the second location (as illustrated, the opposite end of the legs 36 is at the second location; figure 9A) with the second location the being offset from and being located vertically below the first location (as illustrated, the location at which the legs 36 engage the bottom stair is offset from and vertically below the first location; figure 9A).

Testu fails to disclose the open central region, defined by the base frame and the pair of spaced apart side arms of the second member, being completely unobstructed

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and open so as to allow unhindered passage of at least a person through the open central region.

Blier discloses a telescopic scaffold (abstract) that can be used on top of a staircase (figure 4) with an open central region (as illustrated, the scaffold has an open central region; figure 1) defined by a base frame and spaced apart side arms being completely unobstructed and open without anything being located between the base frames for the first and second members (as illustrated, the area between the side arms and the base frame of the scaffold is completely unobstructed; figure 1) so as to allow unhindered passage of a person through the open central region (it is construed that this would allow for passage of a person through the central region).

Therefore from the teaching of Blier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the support device of Testu to include a central region that is completely unobstructed as taught by Blier in order to easily assemble, disassemble, and transport (col. 1, lines 36-40).

In addition, Testu fails to disclose the legs are pivotably attached.

Blier discloses structure permits the pair of legs to be secured vertically or at a desired inclined angle (col. 2, lines 58-60).

Therefore from the teaching of Blier, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the legs of Testu to include legs that pivot as taught by Blier in order to accommodate for different configurations.

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As per claim 10, Testu teaches a length of each adjustable prop is variable (the height of each leg can be adjusted by a quick locking system; page 2, line 12) to facilitate maintaining the access unit in one of a horizontal orientation and at a desired angle relative to the horizontal (as illustrated by the direction arrows, the structural bars are also slideable within one another in order to adjust the size of the support device; figure 9).

As per claim 11, Testu teaches a removable platform member (lock lattice 23) for covering the open central region, when the platform member is in a first working position (as illustrated, the lock lattice 23 is covering an open central region; figure 12), and preventing passage of one of the person and an article located above the support unit from inadvertently passing through the open central region (as illustrated, the lock lattice is capable of preventing objects or persons from passing through; figure 12); and

the platform member, when the platform member is in a second position removed from the open central region, allowing unimpeded passage of at least one of the person and the article through the open central region (as illustrated, the support device and frame is capable of being utilized without the use of the lock lattice 23; figure 9; this configuration would be capable of allowing for the passage of articles or persons).

As per claim 12, Testu teaches the platform member is at least in part of open construction to enable viewing through the open central region when the platform member is in the first working position (the lock lattice is constructed out of metallic lattice; page 5, line 2 of translated document; it is therefore construed that such a material is capable of being viewed through).

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As per claim 13, Testu teaches a length of each the pair of spaced apart side arms of the first member is greater than a length of the base frame of the first member (as illustrated, directional arrows indicate that the support bars are slideable within one another; figure 9; therefore it is construed possible to configure the support bars such that the length of the support bars 11 and 44, when extended, is greater than the length of the members 3 and 17 when contracted).

As per claim 14, Testu fails to disclose a space between the base frame of the first member and the base frame of the second member is completely unobstructed, a space between the opposed legs of the first member is completely unobstructed, and the space between the opposed legs of the second member is completely unobstructed.

Blier discloses a telescopic scaffold (abstract) that can be used on top of a staircase (figure 4) whereby a space between the base frame of the first member and the base frame of the second member is completely unobstructed (as illustrated, the area between the side arms and the base frame of the scaffold is completely unobstructed; figure 1; as illustrated, the scaffold has an open central region; figure 1), a space between the opposed legs of the first member is completely unobstructed (as illustrated, the space between all of the opposed legs of the scaffold are unobstructed; figure 1), and the space between the opposed legs of the second member is completely unobstructed (as illustrated, the space between all of the opposed legs of the scaffold are unobstructed; figure 1).

Therefore from the teaching of Blier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the support device

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of Testu to include a central region that is completely unobstructed as taught by Blier in order to easily assemble, disassemble, and transport (col. 1, lines 36-40).

As per claim 15, Testu teaches an access unit for covering an opening in an upper floor (horizontal ladder support device and platform; page 2 lines 1-10 of translated document; as illustrated, the support device is in an opening above a set of stairs; figure 9), the access unit comprising: a support frame (support device) having a generally O-shaped configuration with an open central region (as illustrated, the support device has a generally O-shaped shape with an open region; figure 9), the support frame including U-shaped first and second members (as illustrated, the support device has first and second U-shaped members; figure 9A below), each of the first and second members comprises a base frame defining one end of the open central region as illustrated, each of the first and second members has a base frame which define one end of the open central region; figure 9A below), and a pair of spaced apart side arms (as illustrated, the first member has a pair of spaced apart support bars 11 and 44, and the second member has a pair of spaced apart support bars 4 and 40; figure 9A below) extending parallel to one another from opposite ends of the base frame (as illustrated, the support bars 11,44 and 4, 40 are parallel and on opposite sides of the base frame; figure 9A); the pair of side arms of the first member being telescopically received within the pair of side arms of the second member, to facilitate adjustment of a length of the open central region (structural bars contain a structural bar with a smaller cross section and slide in one another; page 2, lines 8-9 of translated document); and the telescopic adjustment of the pair of spaced apart side arms facilitates desired spacing of the base

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frame of the first member from the base frame of the second member over a range of distances (structural bars contain a structural bar with a smaller cross section and slide in one another; page 2, lines 8-9 of translated document; it is therefore construed that the members are adjustable over a range of distances); and each of the spaced apart side arms of the second member having a clamp for temporary securing of the side arms of the first member to the side arms of the second member (the threaded rod of tightening bolt 10 locks the sliding structural bars in a chosen position in the fixed structural bars; page 5, lines 12-14 of translated document) at a pre-determined relationship and maintaining the desired spacing of the base frame of the first member from the base frame of the second member (it is construed that the extent of the telescoping bars can be predetermined and the spacing can be maintained);

the second member having a pair of spaced apart props (legs 36) which are attached adjacent the base frame of the second member (as illustrated, the leg 36 is attached adjacent the base frame of the second member; figure 9A) for supporting the second member at a desired level (the height of each leg can be adjusted by a quick locking system; page 2, line 12);

the base frame of the first member being adapted for position at a first location (as illustrated, the first member base frame is positioned at a first location; figure 9A); and

the pair of spaced apart adjustable props facilitate positioning of the base frame of the second member at substantially a same level as the base frame of the first member (the height of each leg can be adjusted by a quick locking system; page 2, line

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12) so as to position the support frame of the access unit within a stairwell in a substantially horizontal orientation (as illustrated, the support device is in a stairwell and is horizontal; figure 9).

Testu fails to disclose the open central region, defined by the base frame and the pair of spaced apart side arms of the first member and the base frame and the pair of spaced apart side arms of the second member being completely unobstructed and open without anything being located between the base frames for the first and second members so as to allow unhindered passage of a person through the open central region.

Blier discloses a telescopic scaffold (abstract) that can be used on top of a staircase (figure 4) with an open central region (as illustrated, the scaffold has an open central region; figure 1) defined by a base frame and spaced apart side arms being completely unobstructed and open without anything being located between the base frames for the first and second members (as illustrated, the area between the side arms and the base frame of the scaffold is completely unobstructed; figure 1) so as to allow unhindered passage of a person through the open central region (it is construed that this would allow for passage of a person through the central region).

Therefore from the teaching of Blier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the support device of Testu to include a central region that is completely unobstructed as taught by Blier in order to easily assemble, disassemble, and transport (col. 1, lines 36-40).

In addition, Testu fails to disclose the legs are pivotably attached.

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Blier discloses structure permits the pair of legs to be secured vertically or at a desired inclined angle (col. 2, lines 58-60).

Therefore from the teaching of Blier, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the legs of Testu to include legs that pivot as taught by Blier in order to accommodate for different configurations.

As per claim 16, Testu discloses a length of each adjustable prop is variable (as illustrated by the directional arrows, legs 36 are adjustable; figure 9) to facilitate maintaining the access unit in one of a horizontal orientation and at a desired angle relative to horizontal (it is therefore construed that this would allow for generating a horizontal orientation).

As per claim 17, Testu discloses a removable platform member (lock lattice 23) for covering the open central region, when the platform member is in a first working position (as illustrated, the lock lattice 23 is covering an open central region; figure 12), and preventing passage of one of the person and an article located above the support unit from inadvertently passing through the open central region (as illustrated, the lock lattice is capable of preventing objects or persons from passing through; figure 12); and the platform member, when the platform member is in a second position removed from the open central region, allowing unimpeded passage of at least one of the person and the article through the open central region (as illustrated, the support device and frame is capable of being utilized without the use of the lock lattice 23; figure 9; this configuration would be capable of allowing for the passage of articles or persons).

As per claim 18, Testu discloses the platform member is at least in part of open construction to enable viewing through the open central region when the platform member is in the first working position (the lock lattice is constructed out of metallic lattice; page 5, line 2 of translated document; it is therefore construed that such a material is capable of being viewed through).

As per claim 19, Testu teaches a length of each of the pair of spaced apart side arms of the first member is greater than a length of the base of the frame of the first member (as illustrated, directional arrows indicate that the support bars are slideable within one another; figure 9; therefore it is construed possible to configure the support bars such that the length of the support bars 11 and 44, when extended, is greater than the length of the members 3 and 17 when contracted).

As per claim 20, Testu fails to disclose a space between the base frame of the first member and the base frame of the second member is completely unobstructed, a space between the opposed legs of the first member is completely unobstructed, and the space between the opposed legs of the second member is completely unobstructed.

Blier discloses a telescopic scaffold (abstract) that can be used on top of a staircase (figure 4) whereby a space between the base frame of the first member and the base frame of the second member is completely unobstructed (as illustrated, the area between the side arms and the base frame of the scaffold is completely unobstructed; figure 1; as illustrated, the scaffold has an open central region; figure 1), a space between the opposed legs of the first member is completely unobstructed (as illustrated, the space between all of the opposed legs of the scaffold are unobstructed;

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figure 1), and the space between the opposed legs of the second member is completely unobstructed (as illustrated, the space between all of the opposed legs of the scaffold are unobstructed; figure 1).

Therefore from the teaching of Blier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the support device of Testu to include a central region that is completely unobstructed as taught by Blier in order to easily assemble, disassemble, and transport (col. 1, lines 36-40).

As per claim 21, Testu teaches an access unit for covering an opening in an upper floor (horizontal ladder support device and platform; page 2 lines 1-10 of translated document; as illustrated, the support device is in an opening above a set of stairs; figure 9), the access unit comprising: a support frame (support device), the support frame including U-shaped first and second members (as illustrated, the support device has first and second U-shaped members; figure 9A below), each of the first and second members comprises a base frame defining one end of the open central region (as illustrated, each of the first and second members has a base frame which define one end of the open central region; figure 9A below), and a pair of spaced apart side arms (as illustrated, the first member has a pair of spaced apart support bars 11 and 44, and the second member has a pair of spaced apart support bars 4 and 40; figure 9A below) extending parallel to one another from opposite ends of the base frame (as illustrated, the support bars 11,44 and 4, 40 are parallel and on opposite sides of the base frame; figure 9A); the pair of side arms of the first member being telescopically received within the pair of side arms of the second member, to facilitate adjustment of a

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length of the open central region (structural bars contain a structural bar with a smaller cross section and slide in one another; page 2, lines 8-9 of translated document);

the telescopic adjustment of the pair of spaced apart side arms facilitates desired spacing of the base frame of the first member from the base frame of the second member (structural bars contain a structural bar with a smaller cross section and slide in one another; page 2, lines 8-9 of translated document); and at least one of the spaced apart side arms having a clamp for temporary securing of the side arms of the first member and the side arms of the second member to one another (the threaded rod of tightening bolt 10 locks the sliding structural bars in a chosen position in the fixed structural bars; page 5, lines 12-14 of translated document) at a pre-determined relationship and maintaining the desired spacing of the base frame of the first member from the base frame of the second member (it is construed that the extent of the telescoping bars can be predetermined and would result in maintaining a desired spacing between the first and second members);

the second member having a pair of spaced apart adjustable props (as illustrated by the directional arrows, legs 36 are adjustable; figure 9) which are attached adjacent the base frame of the second member (as illustrated, the leg 36 is attached adjacent the base frame of the second member; figure 9A) for supporting the second member at a desired level (the height of each leg can be adjusted by a quick locking system; page 2, line 12);

the pair of spaced apart adjustable props facilitate positioning of the base frame of the second member (the height of each leg can be adjusted by a quick locking

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system; page 2, line 12) within a stairwell in a substantially horizontal orientation (as illustrated, the support device is in a stairwell and is horizontal; figure 9); and

a removable platform member (lock lattice 23) for covering the open central region, when the platform member is in a first working position (as illustrated, the lock lattice 23 is covering an open central region; figure 12), and preventing passage of one of a person and an article located above the support unit from inadvertently passing through the open central region (as illustrated, the lock lattice is capable of preventing objects or persons from passing through; figure 12); and the platform member, when the platform member is in a second position removed from the open central region, allowing unimpeded passage of at least one of the person and the article through the open central region (as illustrated, the support device and frame is capable of being utilized without the use of the lock lattice 23; figure 9; this configuration would be capable of allowing for the passage of articles or persons).

Testu fails to disclose a generally oval shaped configuration with a completely unobstructed open central region.

Blier discloses a telescopic scaffold (abstract) that can be used on top of a staircase (figure 4) with a completely unobstructed oval shaped open central region (as illustrated, the area between the side arms and the base frame of the scaffold is completely unobstructed and oval shaped; figure 1).

Therefore from the teaching of Blier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the support device

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of Testu to include a central region that is completely unobstructed as taught by Blier in order to easily assemble, disassemble, and transport (col. 1, lines 36-40).

In addition, Testu fails to disclose the open central region, defined by the base frame and the pair of spaced apart side arms of the first member and the base frame and the pair of spaced apart side arms of the second member being completely unobstructed and open without anything being located between the opposed legs of the first and second members and without anything being located between the base frames for the first and second members so as to allow unhindered passage of at least a person through the open central region.

Blier discloses a telescopic scaffold (abstract) that can be used on top of a staircase (figure 4) with an open central region (as illustrated, the scaffold has an open central region; figure 1) defined by a base frame and spaced apart side arms being completely unobstructed and open without anything being located between the base frames for the first and second members (as illustrated, the area between the side arms and the base frame of the scaffold is completely unobstructed; figure 1) so as to allow unhindered passage of a person through the open central region (it is construed that this would allow for passage of a person through the central region).

Therefore from the teaching of Blier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the support device of Testu to include a central region that is completely unobstructed as taught by Blier in order to easily assemble, disassemble, and transport (col. 1, lines 36-40).

In addition, Testu fails to disclose the legs are pivotably attached.

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Blier discloses structure permits the pair of legs to be secured vertically or at a desired inclined angle (col. 2, lines 58-60).

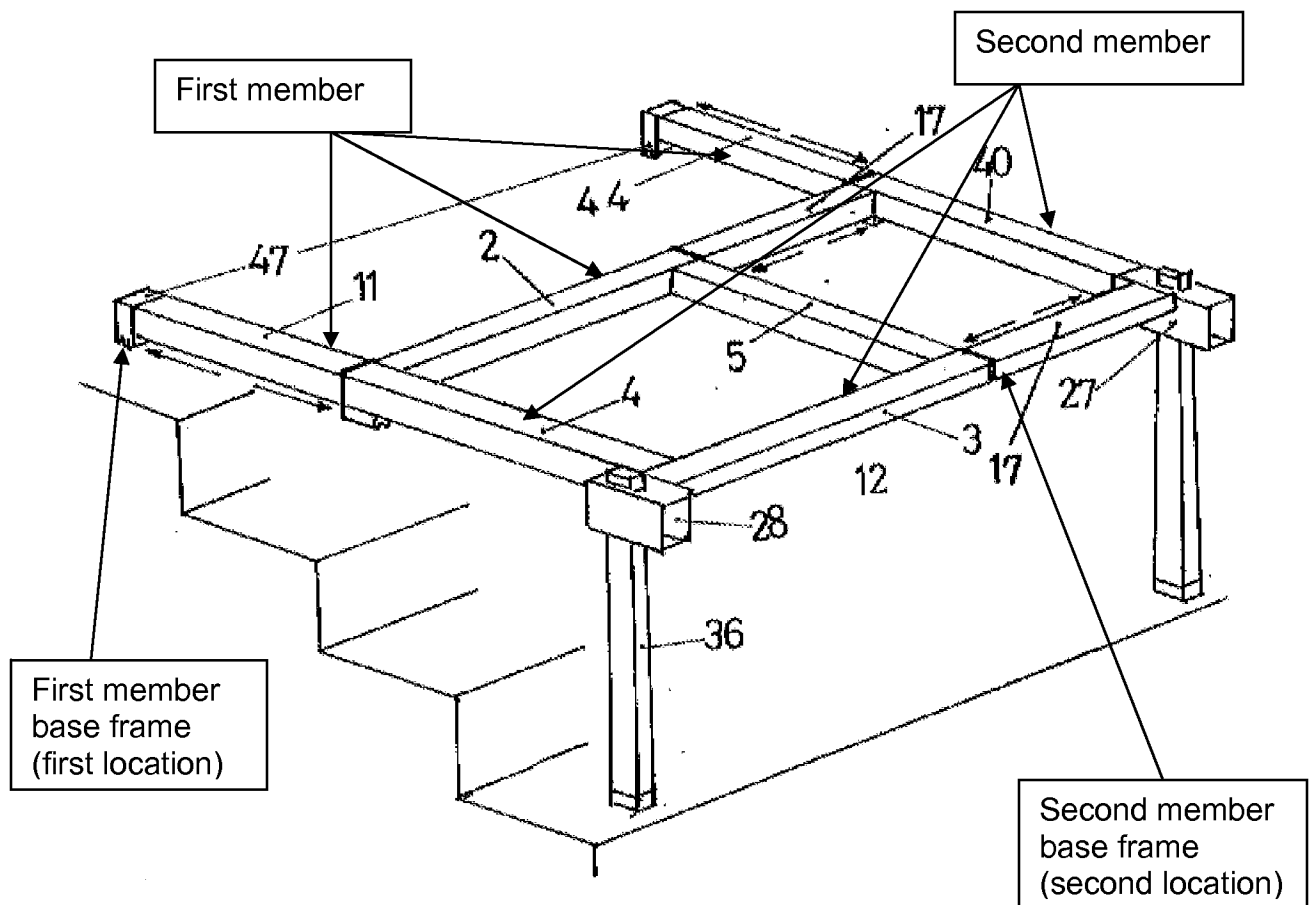
Therefore from the teaching of Blier, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the legs of Testu to include legs that pivot as taught by Blier in order to accommodate for different configurations.

In addition, Testu fails to disclose a brace connects each of the adjustable props with one of the side arms of the second member.

Blier discloses a telescopic scaffold (abstract) that can be used on top of a staircase (figure 4) with a brace (brace member 26) that connects each of the adjustable props (support legs 12) with one of the side arms of the second member (as illustrated, the brace members connect the support legs 12 with the side supports 24; figure 1).

Therefore from the teaching of Blier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the support device of Testu to include a supporting brace member as taught by Blier in order to solidify the connection between the members (col. 2, lines 67-68).

Figure 9A



Response to Arguments

7. Applicant's new claims 9-21 have been considered but are moot in view of the new ground(s) of rejection. New reference Blier (U.S. Patent No. 4,371,057) has been added to overcome the newly added limitations in independent claims 9, 15, and 21, and dependent claims 14 and 20.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR HIJAZ whose telephone number is (571)270-5790. The examiner can normally be reached on Mon-Fri 9:30 a.m. - 7:00 p.m. (alternating Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (571)272-6782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OFH

/Brian E. Glessner/
Supervisory Patent Examiner, Art Unit 3633